

Order

Michigan Supreme Court
Lansing, Michigan

January 28, 2011

Robert P. Young, Jr.,
Chief Justice

139833

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139833
COA: 284670
Wayne CC: 96-004431-2

JOHN VINCENT JONES,
Defendant-Appellant.

On January 20, 2011, the Court heard oral argument on the application for leave to appeal the August 25, 2009 judgment of the Court of Appeals. MCR 7.302(H)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the April 3, 2008 order of the Wayne Circuit Court granting the defendant credit for time served. The defendant absconded on bond pending appeal after he was sentenced and was arrested on the outstanding warrant by federal authorities, who also held him to answer for federal crimes. The prosecution concedes that the federal sentence ultimately imposed for those charges is concurrent to the defendant's sentence in this case. Significantly, the trial court awarded the defendant credit only for time served after sentencing, while held in federal custody. Although he had absconded on bond, once he was taken into custody, he began serving his sentence in this case immediately. See *People v Gallagher*, 404 Mich 429, 439 (1979), and *In re Carey*, 372 Mich 378 (1964). Therefore, the date on which the defendant began serving his concurrent federal sentence is irrelevant, and he is entitled to credit for all time during which he was incarcerated after being sentenced in this case. Accordingly, we ORDER the circuit court to amend the judgment of sentence to set the sentence to begin on May 12, 2006, the day the defendant was taken into federal custody on the warrant, plus four days of credit for time served prior to sentencing in 2000.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 28, 2011

Corbin R. Davis

Clerk